IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1534 (S/S) of 2007

Deewan Singh Bisht
S/o Sri U.S. Bisht
R/o Village Khalna
Patti Vichalladora
Post Paithani, District Almora.

……Petitioner

Versus

1. The State of Uttarakhand through Secretary, Home, Dehradun.
2. Director General of Police, Uttarakhand Dehradun.
3. I.G., (P.A.C.), Kumaun Region Dehradun.
4. Commandant 46th Battalion P.A.C. Rudrapur, Udham Singh Nagar.
5. State of U.P., through Secretary Home, Lucknow.
6. D.I.G., P.A.C., Moradabad Range Moradabad.
7. I.G.P.A.C. Western Zone Moradabad.

……Respondents

Shri B.D. Pande, learned counsel for the petitioner.
Shri N.P. Sah, learned Standing Counsel for respondents No. 1 to 4.
Smt. Bina Pande, learned Standing Counsel (State of U.P.) for respondents No. 5 to 7.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

2. By means of this writ petition, the petitioner has sought following reliefs:-

a) Issue a writ, order of direction in the nature of certiorari, quashing the impugned orders dated 15.05.1999 and 22.08.2004 passed by respondents Nos. 6 and 7 (Annexure No. 3 and 5 to the writ petition).

b) Issue a writ, order or direction in the nature of mandamus directing the respondents to reinstate the petitioner in service with full back wages, arrears and consequential benefits.

c) Issue, any other order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances the case.

d) Award cost of the petition to the Petitioner.

3. It appears that petitioner, who was Sub-Inspector in the Armed Police, was dismissed from service vide order dated 15.05.1999, after a departmental enquiry was concluded against him. The charge against him was that he remained absent from duty without leave for above period (for almost three years). The petitioner appears to have participated in the departmental enquiry and submitted his reply, which were considered by the disciplinary authority. Said order was challenged by the petitioner before Allahabad High Court by filling writ petition No. 25134 of 1999. Said writ petition was dismissed by Allahabad High Court vide order dated 23.11.2002, with the

observation that the petitioner may seek alternative remedy available to him. While making said observation it was observed by the Allahabad High Court that if the petitioner files departmental appeal before the appellate authority, within two months from 23.11.2002, the same may be treated within time. However, admittedly, the petitioner filed departmental appeal after eight months of aforesaid order of Allahabad High Court. Therefore, the appellate authority (I.G., Police) vide its order dated 22.08.2004, dismissed the appeal. Now this writ petition is being filed after three years of said order, passed by the appellate authority. There is no explanation for the latches on the part of the petitioner at every stage.

4. Having heard learned counsel for the petitioner and after going through the papers on record, this Court does not find any force in this writ petition. The same is dismissed in limine.

Dt. 12.10.2007 **(Prafulla C. Pant, J.)**
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